

HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

VELOCITY PARTNERS, LLC, a Washington
limited liability company,

Plaintiff,

v.

ECOMMERCE ACCELERATOR, LLC, a New
York limited liability company,

Defendants.

NO. 2:12-cv-01876-JLR

**ORDER GRANTING
DEFENDANT'S MOTION FOR
TEMPORARY RESTRAINING
ORDER**

~~PROPOSED~~

**NOTE ON MOTION DOCKET:
July 3, 2013**

This matter came before the Court on Defendant's Motion for Temporary Restraining Order. The Court has considered the following:

1. Defendant's Motion for Temporary Restraining Order;
2. Plaintiff's Opposition, if any;
3. Defendant's Reply, if any; and
4. All papers and pleadings on file with the Court.

The Court hereby finds that Defendant Ecommerce Accelerator, LLC ("ECA") having simultaneously moved to vacate the default judgment entered herein without notice, and the fact that counsel for ECA had extensive communications with counsel for Plaintiff

ORDER GRANTING DEFENDANT'S MOTION FOR
TEMPORARY RESTRAINING ORDER
(Case No. 2:13-cv-01876-JLR) - 1

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1 regarding the substance of the dispute between the parties, and Plaintiff provided no notice to
2 counsel for ECA that it had filed a motion for default or a motion for default judgment, and
3 in light of the immediate and irreparable injury to ECA that would result from a denial of
4 injunctive relief such as the interruption of its business activities caused by the freezing of its
5 sole bank account, and its inability to meet payroll and pay other operating expenses, the
6 issuance of a temporary restraining order is reasonable and necessary. ~~Due to the absence of~~
7 ~~harm to Plaintiff from a temporary hold on further execution measures while the motion to~~
8 ~~vacate is pending, and in recognition of the likelihood that ECA's motion to vacate will~~
9 ~~likely be granted, no security is required.~~ Defendant shall post a bond of THIRTY
10 THOUSAND DOLLARS (\$30,000.00) to
11 secure Plaintiff if it is later determined that this TRO was entered in
12 error.
13 IT IS HEREBY ORDERED

14 1. That Defendant's Motion for Temporary Restraining Order is GRANTED and
15 the Clerk of the Court will issue a temporary restraining order against Velocity, its
16 employees and agents, and any other persons in active concert or participation with them,
17 prohibiting any continued execution or enforcement of the default judgment, and suspending
18 the Writ of Garnishment issued to JP Morgan Chase Bank, pending a ruling on ECA's
19 Motion to Vacate Default Judgment.

20 2. ~~The Court will set a time for hearing on ECA's Motion for Preliminary~~
21 ~~Injunction on _____, 2013.~~

22 DATED: July 6, 2013.

23 
24 JUDGE JAMES L. ROBART

25 ORDER GRANTING DEFENDANT'S MOTION FOR
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(Case No. 2:13-cv-01876-JLR) - 2

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Presented by:

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(Case No. 2:13-cv-01876-JLR) - 3

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Katherine Ruth Heekin, Katherine@HeekinLawOffice.com

And I hereby certify that I have mailed by United States Postal Service the foregoing to the following non-CM/ECF participants:

n/a

DATED: July 3, 2013.


Legal Assistant

ORDER GRANTING DEFENDANT'S MOTION FOR
TEMPORARY RESTRAINING ORDER
(Case No. 2:13-cv-01876-JLR) - 4

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